

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

MICHELLE STACEY MAYERS, D.V.M.
License No. VET.2032

OIE # 2014-18

Respondent.

FINAL ORDER

This matter came before the South Carolina State Board of Veterinary Medical Examiners ("Board") for hearing on February 26, 2015, to consider the Memorandum of Agreement and Stipulation of Facts signed by the above named ("Respondent") on February 18, 2015 ("MOA"). In the MOA, Respondent waived the authorization and filing of a Formal Complaint as well as formal hearing procedures and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(F)(2005, as amended). Respondent also waived the right to thirty (30) days notice of this proceeding.

A quorum of the Board was present. The hearing was held pursuant to S.C. Code Ann. §§40-1-90, 40-69-190 (2011) and the provisions of the Administrative Procedures Act, S.C. Code Ann. §1-23-10, *et seq.* (2005, as amended) to determine what sanctions, if any, were appropriate.

Erin G. Baldwin, Assistant Disciplinary Counsel, represented the State. Respondent appeared and was represented by Andrea Brisbin, Esquire.

The Board considered the facts stipulated in MOA, the exhibits to the MOA described below, the admissions of violations in the MOA, the testimony of Respondent, and the November 5, 2014, Affidavit of Pleas C. Faglie, Investigator, Office of Investigations and Enforcement, South Carolina Department of Labor Licensing and Regulation, of a good faith estimate of investigative costs of \$225.00 in this matter. In addition, the Board considered the Respondent's curriculum vitae.

MOA Exhibits:

Copy of the records relating to cat "Chester" obtained from Chester's owner.

Copy of the records relating to cat "Chester" obtained from Respondent.

Copy of a letter from Respondent and electronic Patient Chart relating to cat "Chester" submitted by Respondent, Bates stamped "Mayers 0001 - 0009."

After consideration, the Board voted to accept the MOA, with the sanctions specified in this Order.

FINDINGS OF FACT

Respondent stipulated in the MOA to the facts stated in paragraphs 1-5 below, which the Board adopts.

1. Respondent has been licensed to practice veterinary medicine in the State of South Carolina since 2000, was so licensed at all times relevant to the matters asserted in this case and that the South Carolina Board of Veterinary Medical Examiners has jurisdiction over this matter.

2. On June 15, 2013, Respondent acquired and since has owned Hillcrest Animal Hospital in Simpsonville, South Carolina, where she also practices veterinary medicine. On or about November 9, 2013, a veterinarian licensed by the Board and employed by Respondent saw a cat named "Chester" for a routine rabies vaccination. The owner thought her cat was getting a one (1) year vaccination, but the veterinarian administered a three (3) year vaccination. The computer system in Respondent's office then documented the vaccination incorrectly on the vaccination certificate, and the error was not discovered until the owner complained. However, the itemized receipt for the office visit indicates a three-year vaccination.

3. A complaint was filed with the South Carolina Department of Labor, Licensing and Regulation (hereinafter "LLR") in March of 2014, and Investigator Pleas Faglie was assigned to investigate the allegations. The owner provided LLR with copies of Chester's medical records she obtained from Respondent's office.

4. Respondent furnished a copy of Chester's medical records to Investigator Faglie during his investigation in April of 2014. In the records provided by Respondent, Investigator Faglie discovered that Respondent had made additional entries to the records.

5. In a letter to the Board dated July 16, 2014, Respondent submitted a copy of Chester's electronic Patient Chart. Respondent further stated that the additional handwritten entries she made were two entries dated August 3, 2013, the first stating "owner wants antibiotic refill" and the second stating "history of atopy and cystitis." The third additional entry was dated August 20, 2013, stating "LMOM 3pm, how doing with Elavil?" In the

electronic Patient Chart, an entry dated 08-20-13 states "MM how doing with elavil." None of the additional entries were dated on or around the November 9, 2013, date of service for a routine rabies vaccination.

6. Respondent waived any further findings of fact with respect to this matter.

7. In addition to the facts admitted in the MOA, the Board finds that the State incurred reasonable costs of investigation and prosecution in this matter in the amount of \$225.00.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and this matter.

2. The aforementioned acts of Respondent violated the following provisions of the Veterinary Practice Act, S.C. Code Ann. §40-1-110 or regulations of the Board:

A. S.C. Code Ann. § 40-69-110(A)(11) in that Respondent's office documented the rabies vaccination incorrectly on the vaccination certificate.

B. S.C. Code Ann. § 40-1-110(1)(f), in that Respondent made additional handwritten entries to Chester's patient chart without indicating the dates that the records were amended.

3. Upon a finding by the Board that a licensee has committed any of the acts or omissions specified in S.C. Code Ann. §§ 40-1-110 and 40-69-110 (2011) or other conditions specified therein exist, the Board has the authority to revoke or suspend a license or registration certificate, publicly reprimand a licensee, or take any other reasonable action short of revocation or suspension, such as probation, restrictions requiring the person to undertake additional professional training subject to the direction and approval of the Board, psychiatric evaluations, controlled substances restrictions, institutional practice under supervision, and any other actions considered appropriate by the Board. In addition to or instead of such actions affecting the license of a licensee or registration of a registrant, the Board may impose a civil penalty of up to One Thousand Dollars for each violation. S.C. Code Ann. §§ 40-69-120 (2011). In addition to other sanctions, a licensee found in violation of the applicable licensing act may be directed to pay, a sum not to exceed the reasonable costs of the investigation and prosecution of the case. S.C. Code Ann. §40-1-170 (2011).

4. The Board has determined it appropriate to impose the sanctions stated below.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Board accepts the Memorandum of Agreement and Stipulations signed by the Respondent.
2. Respondent is hereby publicly reprimanded.
3. Respondent is assessed a civil penalty of One Thousand Dollars (\$1,000.00) payable within six months of the date of this Order.
4. Respondent is assessed costs of Two Hundred Twenty Five Dollars (\$225.00) payable within six months of the date of this Order.

AND IT IS SO ORDERED.

STATE BOARD OF VETERINARY EXAMINERS

BY:


Bryan K. Cribb, D.V.M.
Board Chair

May 20, 2015